

# In the Court of Appeals of the State of Alaska

Nick Arthorneal Frankson,  
Petitioner,

v.

State of Alaska,  
Respondent.

Court of Appeals No. **A-13690**

## **Order** Petition for Review

Date of Order: **October 5, 2020**

Trial Court Case Nos. **2KB-18-00529CR; 2KB-19-00373CR; 2KB-19-00374CR**

Before: Allard, Chief Judge, and Wollenberg and Harbison, Judges.

Upon consideration of the petition for review filed by Nick Arthorneal Frankson on August 20, 2020, and the opposition filed by the State on September 14, 2020,

### **IT IS ORDERED:**

The petition for review is **GRANTED**.

1. This case is **CONSOLIDATED** with *Steeves v. State*, A-13674, for purposes of briefing, oral argument, and decision. In addition to addressing the issue presented in *Steeves* (*i.e.*, the standard that a trial court should apply when deciding whether to accept or reject a plea agreement), the parties shall address the question of whether a judge may *sua sponte* consider non-*Blakely* aggravators when deciding whether to accept or reject an otherwise closed Rule 11 agreement. As part of this analysis, Frankson should address the State's contention that ruling in his favor on this latter issue would require the Court to overrule *Hartley v. State*, 653 P.2d 1052, 1056 (Alaska App. 1982). Frankson should also address whether, if *Hartley* is governing precedent, the standard for overruling precedent has been met. See *Erickson v. State*, 950 P.2d 580, 587 (Alaska App. 1997) (describing the doctrine of *stare decisis*).

2. *Transcripts.* Within 10 days, Frankson shall designate a transcript pursuant to Alaska Appellate Rule 210(b). Within 10 days following Frankson's designation, the State may designate additional portions of the proceedings to be transcribed. If Frankson and the State agree to rely on the transcripts already submitted as part of the petition for review, they shall consult with the Clerk of the Appellate Courts about the filing and distribution of the transcripts.

3. *Trial Court File.* The Appellate Court Records Office shall prepare and distribute the record within 40 days.

4. *Briefing deadlines.* Following the certification of the transcript and record, the Petitioner shall have 30 days to file an opening brief conforming to Appellate Rule 212. Upon the filing of the Petitioner's brief, the Respondent shall have 30 days to file a brief. The Petitioner shall then have 20 days to file any reply brief.

The deadlines for these briefs are exempt from Court of Appeals Standing Order No. 12. Any requests for an extension of time to file a brief shall be governed by Appellate Rule 503.5.

5. *Oral Argument.* Either party may request oral argument under Appellate Rule 505(a)(3).

6. The parties shall notify the Court if this petition becomes moot for any reason.

Entered at the direction of the Court.

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October 5, 2020

Clerk of the Appellate Courts

*/s/ R. Montgomery-Sythe*

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Ryan Montgomery-Sythe,  
Chief Deputy Clerk

cc: Court of Appeals Judges  
Judge Roetman  
Trial Court Clerk  
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